

GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

County Commission

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EXHIBIT 4
DATE 2-18-2009
HB HB 600

August 6, 2008

Mr. Jose Castro
District Ranger
United States Forest Service
3710 Fallon Street, Suite C
Bozeman, MT 59718

NOTICE TO REMOVE ENCROACHMENTS

Dear Mr. Castro:

This letter is to provide you continued notice that the United States Forest Service has created encroachments and obstructions to Bear Canyon Road without authority to do so. Gallatin County, through this notice, again demands that you immediately remove all encroachments and obstructions placed on Bear Canyon Road by the United States Forest Service its employees, agents and affiliates ("USFS").

By writing this letter Gallatin County reserves all of its rights and puts you on notice that it in no way surrenders any right, title and interest in any portion of Bear Canyon Road.

On July 8, 2008 the Board of Gallatin County Commissioners again temporarily closed Bear Canyon Road in its Resolution 2008-075. This closure was made in an effort to remediate water quality and in the spirit of cooperation that began after the relevant parties came together the last time Gallatin County put the United States Forest Service on notice approximately one year ago. A copy of Resolution 2008-075 is attached for your reference. It has been forwarded to your attorney under separate cover. Please note that the closure is only for motorized vehicles over 50 inches in track width.

In conjunction with that action the County appropriately removed the obstructions and unauthorized signage appurtenant to its gate at Bear Canyon Road. The gate was manufactured and installed by Gallatin County based on previous more restrictive closures. It is owned by Gallatin County and is in place to enforce the temporary closure of its road. It has been there since 2001. Additionally, the County was preparing and about to install signage which would put the public on notice of the closure pursuant to the recent resolution.

Unfortunately, the USFS took the liberty to place signs on Gallatin County's gate sometime during the week of July 28, 2008 before the County had the opportunity to place its own signs. This provocative act is made without any authority and Gallatin County considers it a trespass. Such an act is also not in the spirit of any settlement negotiations that have taken place amongst our respective counsel. At this time Gallatin County is withdrawing from those discussions.

As a reminder, in the summer of 2007, the USFS destroyed the traditional roadbed of Bear Canyon Road and placed slash and logs in the road from the first creek crossing after the entrance to the ski hill to the south for quite a distance. The USFS removed certain other county installed fencing and cattle gates. The USFS also fenced off sections of Bear Canyon Road making it impassable.

Montana law provides Gallatin County multiple remedies. First and foremost the Board of Gallatin County Commissioners can immediately order its road supervisor to remove the encroachment. §7-14-2134(3), MCA. In the alternative, after five days from this notice to you, the road supervisor can remove the encroachment and charge the USFS for the expenses. §7-14-2137(2), MCA. In addition, the county can file an action against the USFS to abate the nuisance and collect costs and fines for each day the encroachment remains. See, §7-14-2137, MCA.

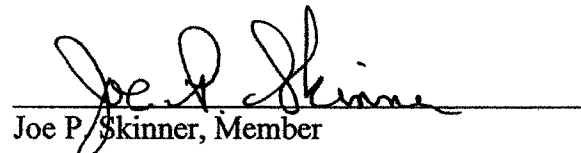
Unfortunately Gallatin County is in the position of again providing this notice to you that the USFS has encroached on the County's property interest and that the County is not abandoning or surrendering any interest to Bear Canyon Road. The United States Forest Service must immediately remove any and all encroachments that it has placed on Bear Canyon Road. This also includes removal of the signage placed on the County's gate. If it does not do so, Gallatin County will take action to enforce its rights under law.

Sincerely,

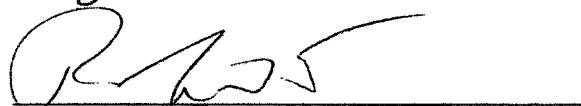
GALLATIN COUNTY COMMISSION



William A. Murdock, Chair



Joe P. Skinner, Member



R. Stephen White, Member

EXHIBIT 4
DATE 2-18-2009
HB HB1000

